

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 456A.19 and 483A.3B(3)“c”(1), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 22, “Wildlife Habitat on Private Lands Promotion Program,” Iowa Administrative Code.

The proposed amendments designate the procedures used by the Department to develop a three-year pilot program to open up private lands for access to hunting. Funding is through a Voluntary Public Access and Habitat Incentive Program (VPA-HIP) Grant awarded to the Department by the U.S. Department of Agriculture as well as from wildlife habitat fees. The funds will be used to create, manage, and enhance wildlife habitat on private land in exchange for allowing public access for hunting.

Any interested person may make written suggestions or comments on the proposed amendments on or before February 3, 2011. Such written comments should be directed to Kelly Smith, Iowa Department of Natural Resources, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319; fax (515)281-6794; or E-mail to kelly.smith@dnr.iowa.gov. Persons who wish to convey their views orally should contact Kelly Smith at (515)281-6247 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

Additionally, a public hearing will be held February 3, 2011, starting at 1 p.m. in the Fourth Floor East Conference Room of the Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa. At the hearing, persons may present their views either orally or in writing. Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department of Natural Resources and advise of specific needs.

These amendments are intended to implement Iowa Code sections 456A.19 and 483A.3B(3)“c”(1). The following amendments are proposed.

ITEM 1. Amend **571—Chapter 22**, title, as follows:

**WILDLIFE HABITAT ON PRIVATE LANDS PROMOTION PROGRAM AND
HABITAT AND PUBLIC ACCESS PROGRAM**

ITEM 2. Adopt the following new Part I title before rule **571—22.1(456A,483A)**:

Part I

WILDLIFE HABITAT ON PRIVATE LANDS PROMOTION PROGRAM

ITEM 3. Amend **571—Chapter 22**, implementation sentence, as follows:

~~These~~ The rules in Part I are intended to implement Iowa Code ~~sections~~ section 483A.3 and section 456A.16 as amended by 2010 Iowa Acts, Senate File 2088, section 226.

ITEM 4. Adopt the following new Part II title after rule **571—22.9(456A,483A)**:

Part II

HABITAT AND PUBLIC ACCESS PROGRAM

ITEM 5. Adopt the following new rules 571—22.10(456A,483A) to 571—22.15(456A,483A):

571—22.10(456A,483A) Purpose and authority. These rules set forth the procedures to open private lands to public hunting, while providing landowners grant funds to create, manage, and enhance wildlife habitat. Pursuant to Iowa Code section 456A.19, all funds deposited into the state fish and game

protection fund shall be expended solely in carrying on the activities of the fish and wildlife division. The department assesses a wildlife habitat fee in conjunction with each resident and nonresident hunting license sold in Iowa, and this fee is deposited into the state fish and game protection fund. At least one dollar from every wildlife habitat fee is required to be spent in a manner that increases landowner participation in federally funded conservation programs that encourage opportunities for recreational hunting on private land.

571—22.11(456A,483A) Definitions. For the purpose of this part:

“*Commission*” means the natural resource commission.

“*Department*” means the department of natural resources.

“*Program*” means the habitat and public access program.

571—22.12(456A,483A) Eligibility. In order to be eligible for this program, an applicant shall:

1. Own at least 40 acres of private land in Iowa;
2. Have land that already contains wildlife habitat or be willing to develop wildlife habitat;
3. Enter into an agreement with the department; and
4. Allow public access hunting.

571—22.13(456A,483A) Application procedures. Applications will be accepted only from those eligible pursuant to rule 571—22.12(456A,483A).

22.13(1) Applications. Applications must be submitted on forms furnished by the department. Applications and agreements must be received by June 1 to provide adequate time for signage on the property and to ensure that the public is aware the area is open to public hunting. However, at the department’s discretion and dependent upon the availability of funds, the application period may be extended. Landowners will be notified in writing within 30 days of submission of an application whether they have been accepted into the program.

22.13(2) Availability of funds. Funds available for this program are provided through a Voluntary Public Access and Habitat Incentive Program Grant awarded to the department by the U.S. Department of Agriculture as well as from wildlife habitat fees.

a. Funds available for assisting landowners shall be in the department’s budget in accordance with legislative appropriations. Funds will be made available during a fiscal year of July 1 to June 30.

b. To maximize the amount of wildlife habitat actually established, the department may accept contributions from any governmental agency or private conservation group to support habitat practices designed to implement the habitat and public access program. Department funds may also be used to match other funding sources or incentive programs.

22.13(3) Project review and selection.

a. Projects will be reviewed by the site’s regional department wildlife biologist, who, based on the ranking criteria listed in paragraph 22.13(3) “*b*,” will recommend that the commission enter into an agreement with successful applicants.

b. Projects will be selected based on the ranked scoring criteria in the application, which prioritize sites with the greatest chance of benefitting wildlife populations and providing adequate recreational hunting opportunities. The criteria include, but are not necessarily limited to: the site’s habitat potential; site suitability; priority locations; and other relevant habitat and hunting access factors.

571—22.14(456A,483A) Agreements. The commission shall enter into agreements with approved landowners to carry out the purposes of this program.

22.14(1) Agreement forms will be provided by the department. The agreement shall explicitly state the terms of the agreement including, but not limited to: the location and size of the habitat improvement; the location and size of the area open for public access hunting; habitat improvement practices to be completed, including the standards by which the practices shall be accomplished; schedule for completion, cost, and length of time the site shall be open for public recreational hunting; and the reimbursement rate for breaches or early terminations of the agreement as outlined in rule

571—22.15(456A,483A). Terms of the agreement and copies of the agreement are available from the department for examination.

22.14(2) Grant funds will not be provided unless an agreement has been signed by both parties

22.14(3) Agreements may be amended by mutual agreement of both parties.

22.14(4) Enrolled lands will be subject to game management area hunting rules as contained in 571—Chapter 51.

571—22.15(456A,483A) Cost reimbursement. Whenever a landowner has been found to be in violation of an agreement specified in Part II of this chapter, or terminates the agreement early, the landowner shall reimburse the state a prorated amount of any grant funds received.

The rules in Part II are intended to implement Iowa Code sections 456A.19 and 483A.3B(3)“c”(1).